IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.3683 of 2006

Baban Raibhan Labhade & ors. Petitioners
Vs.
Dushant Mahadu Divate & ors. Respondents

Mr.A.S.Karwande for petitiioners.

CORAM: B.H.MARLAPALLE,J.

June 07, 2006.

P.C.

. Heard Mr.Karwande, the learned counsel for the petitioners.

. The present respondents submitted an application under Section 5 of the Mamlatdar Courts Act, 1906 to the Tahsildar, Yevala and by his order dated 25/1/2005 the Tahsildar directed to provide access in terms of the road. This order was challenged in an appeal before the SDO, Niphad. The appeal was allowed and the application of the respondents was remanded for fresh enquiry to the Tahsildar. On fresh enquiry the Tahsildar passed an order on 28/2/2006 and directed that the pathway touching Gat Nos.229, 240, 236, 237, 231, 232, 239 and on the Eastern side of Gat Nos.243 and 242/1 be restored. This order was again challenged before the SDO in Revision Application No.44 of 2006 filed under

Section 23(2) of the Mamlatdar Courts Act and the revision has been dismissed by the SDO on 15/5/2006.

Hence this petition.

. It is evident that the Tahsildar had caused an inspection of the existing pathway and a panchanama was drawn on 21/7/2004. In the second enquiry after remand the Tahsildar considered both the issues viz. whether the respondents had submitted an application within the limitations and whether a pathway was available through Gat Nos.243 and 242/1. He also recorded a finding that this existing way was caused to be interrupted.

. The concurrent findings recorded by both the authorities below do not call for any interference under Article 227 of the Constitution and hence the petition is rejected summarily.

(B.H.MARLAPALLE,J.)